

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
JUDICIARY

Tuesday, March 30, 2021
9:50 AM
State Capitol, Via Videoconference

In consideration of
HOUSE BILL 1017, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO CRUSTACEANS

House Bill 1017, House Draft 1, Senate Draft 1 proposes to repeal Section 188-58.5, Hawaii Revised Statutes (HRS), which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs. **The Department of Land and Natural Resources (Department) supports this Administration bill and offers the following comments.**

The Department currently regulates the take of spiny lobster, Kona crab, and Samoan crab through administrative rules. Regulations include minimum size limits, seasonal restrictions, gear restrictions, and a prohibition on the take of egg-bearing females. The Department has recently amended its spiny lobster, Kona crab, and Samoan crab rules to adopt the provisions of Section 188-58.5, HRS, into Chapter 13-95, Hawaii Administrative Rules. The amended rules took effect on January 30, 2021. Thus, Section 188-58.5, HRS, is no longer necessary and should be repealed.

Section 188-58.5, HRS, limits the Department's ability to properly manage these species based on the best available scientific information. Since the 2006 enactment of Section 188-58.5, HRS, scientific information about Kona crabs has grown to the point where management measures for this species should be updated. A 2018 National Oceanic and Atmospheric Administration benchmark stock assessment concluded that Kona crab populations in the Main Hawaiian Islands are very healthy. Other studies have suggested that the prohibition on the taking of females could potentially create a sex ratio and size imbalance that may inhibit successful reproduction.

Repealing Section 188-58.5, HRS, would enable the Department to adopt more appropriate, science-based regulations for the management of Kona crab. This would be done through the

SUZANNE D. CASE
CHAIRPERSON
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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chapter 91, HRS, administrative rulemaking process, which provides ample opportunity for public input in the development of rules. As more information is known about spiny lobsters and Samoan crabs, changes to the management of these species may be warranted as well.

Thank you for the opportunity to comment on this measure.

HB-1017-SD-1

Submitted on: 3/25/2021 6:34:44 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Klayton Kubo	Individual	Support	No

Comments:

In support

HB-1017-SD-1

Submitted on: 3/25/2021 10:41:55 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Support	No

Comments:

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Members of the Senate Committee on the Judiciary

Thank you for this opportunity to strongly support this measure that will properly restore crustacean management to the Administrative Rule Making Process under DAR to take needed mangement actions when needed and not wait for the next legislative session to be addressed.

Example: Our Kona crab population has suffered under the current statute and DAR has initiated measures to update fishery rules to address the updated science of the species and the passage of this measure will restore DAR's authority to initiate and implement the needed rule change(s).

Respectfully Yours,

Roy Morioka

HB-1017-SD-1

Submitted on: 3/26/2021 5:11:10 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in support

HB-1017-SD-1

Submitted on: 3/26/2021 8:08:56 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Individual	Support	No

Comments:

I support this bill

HB-1017-SD-1

Submitted on: 3/28/2021 7:56:26 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vincent silva	Individual	Support	No

Comments:

Taking only one gender doesn't make any sense. Taking all males and leaving all females does not ensure the species will survive. Leaving back only females with eggs present to produce future crabs makes sense . That would ensure future reproduction of the species.

HB-1017-SD-1

Submitted on: 3/28/2021 8:13:51 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gina dibartolomeo	Individual	Support	No

Comments:

Taking the males only does not support the production of this species. leaving behind the females that have eggs and the males under a certain size supports the production of this species.

HB-1017-SD-1

Submitted on: 3/28/2021 10:36:54 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Silva	Individual	Support	No

Comments:

Hello,

To start, my experience is with Kona Crabs. I approve to allow the taking of female crabs, of course within the current size limitations and open season. I believe those female crabs should only be taken once verified they are not carrying eggs. I understand recent studies have been done showing a healthy stock. It is difficult for fisherman, especially recreational, to dedicate the time and cost of equipment to catch these crabs when 51% of crabs are female and must be released. I believe this fishery can be expanded, while remaining sustainable, as long as we are true to the regulations and do follow up research to verify the Kona Crab fishery remains healthy.

Thank you for your time,

Devin Silva

Cates Marine Service, LLC
24 Sand Island Access Road
Box #27
Honolulu HI 96819
Ph. 808 841-4956
Fax 808 841-4957

LATE



February 10,2021

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

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Rep. Nicole E. Lowen	Rep. James Kunane Tokioka
Rep. Angus L.K. McKelvey	Rep. Gene Ward

Dear Committee Members,

I am in full support to repeal Section 188-58.5 which prohibits the taking of female Lobsters, Kona Crabs and Samoan Crabs, when this bill was first introduced I testified against the measures due to the science at the time which shows such measure are actually harmful to the fishery. At the time there was a robust Kona Crab fishery in the State of Hawaii and it was sustainable, once this law was implemented it quickly killed all commercial sales of Lobster and Kona Crab. Due to this commercial landings drastically reduced to nearly zero, it triggered a full review by WESPAC where they brought in leading Scientists from Australia and other areas recently, their review further showed that since the restriction taking of females was the sole reason for the total collapse of commercial sales and not that the fishery had any problems.

The full review that WESPAC conducted also brought in some very useful outside Science/knowledge which showed that Lobster/Kona crabs need a certain balance of males to females, and when the fishery has such catch

limitations it can cause severe problems in the future. The basic reason is that there needs to be enough males to have competition to mate.

We as fisherman/fisherwomen are all for protecting the resources, however we need to have laws that do not harm our fisheries. DLNR has participated in all of these past meetings are in full agreement that this law should be repealed. The DLNR and Fisherman/Fisherwomen are in full support of this repeal.

Please consider this repeal seriously.

Randy Cates

LATE

HB-1017-SD-1

Submitted on: 3/29/2021 10:36:08 AM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Kaiser	Testifying for Everything Fish Inc	Support	No

Comments:

Aloha Legislaturers,

As an owner of a fishing company I heartly support and encourage you to pass this bill. Who doesnt lke Kona Crab!! And the past actions taken have killed the fishery and made a hardship for fisherman. As you may know Australia has the largest fishery for Kona Carb only they call them Spanner Crabs and landing are 800 tons a year. And they too have made poor decisions in the past of not allowing the take of females. And I am not convinced that throwing back females are dont have high mortalities. The recent study showing mortality was low was flawed as it was conducted in the shallowest of ranges for this species. Researchers admitted that cameras that were used was limited to 150 feet. And yet many of the best grounds with the largest crab are at 300 to 350ft. As a fisherman with a science background and published scientific papers I understand some of the limits of gear but that should not be used to make broad assumptions based on limited data. A crab with limited swimming ablity managing to float down 300ft without becoming prey? Highly unlikely. So why waste the rescoure? And with data from Australia showing no negative impacts with female takes its clear that allowing the take of females allows for a successful fishery and a continued healthy stock. So I encourage you to pass this bill

Mahalo for your time

Steve kaiser

Everything Fish Inc

Hawi Hawaii